

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:12-CR-34-RLV-DSC**

UNITED STATES OF AMERICA)
)
 v.)
)
 LUIS E. MARTINEZ-OLVERA,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court, sua sponte, after a hearing on February 15, 2013 for entry of Defendant's guilty plea. Charles L. Morgan, Jr. appeared as defense counsel.

On September 11, 2012, Mr. Morgan was appointed as defense counsel. On October 22, 2012, Mr. Morgan filed a Motion For Admission Pro Hac Vice on behalf of Ricardo Perez of Pharr, Texas. (document #25) On that same date, Mr. Morgan and Mr. Perez filed a "Motion for Substitution of Counsel" requesting that "...Ricardo Perez be allowed to substitute as counsel in place of Charles Linwood Morgan, Jr." (document #26) In that Motion, counsel represented that "Substitute counsel will make all future appearances." (document #26) On October 23, 2012, the Court granted in part and denied in part the "Motion for Substitution of Counsel" stating that "the Clerk's Office is directed to designate Mr. Perez as retained counsel but Mr. Morgan shall remain in the case as local counsel." (document #29). On that same date the Court also granted the Pro Hac Vice Motion. (document #30)

On February 15, 2013 Mr. Perez failed to appear for Defendant's plea hearing. The Court inquired as to why Mr. Perez was not present. Mr. Morgan responded that Mr. Perez was in Texas, and that he would be representing Defendant during the plea hearing. After some

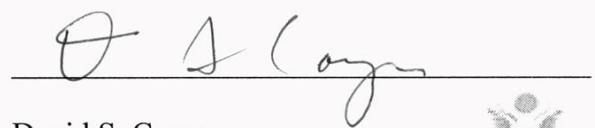
discussion, the Court allowed Mr. Morgan to proceed. The Court clarified that Mr. Morgan was appearing as retained local counsel. At the conclusion of the plea colloquy, the Court asked Mr. Morgan the standard question as to whether he had reviewed the plea agreement with Defendant, and whether Defendant understood the terms. Mr. Morgan responded that Mr. Perez had reviewed the plea agreement with Defendant, but that he had not. The Court expressed unwillingness to accept the guilty plea. At the suggestion of Mr. Morgan and the United States Attorney, the Court allowed Mr. Morgan to review the plea agreement with Defendant in the lockup. Later in the morning, the Court concluded the plea colloquy with Mr. Morgan answering that he had reviewed the plea agreement with Defendant, and that Defendant understood the terms. The Court accepted the plea.

As a consequence for his failure to appear as counsel for Defendant at the plea hearing, the Court hereby revokes the admission pro hac vice of Ricardo Perez effective this date. Mr. Morgan will remain as retained counsel.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: February 19, 2013

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

